



## Bureau of Land Management

Boise District Office  
Owyhee Field Office  
20 First Avenue West  
Marsing, ID 83639  
<http://www.id.blm.gov>

Vale District Office  
Malheur Field Office  
100 Oregon St.  
Vale, OR 97918  
<http://www.or.blm.gov>

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### Determination of Land Use Plan Conformance and NEPA Adequacy (DNA)

U.S. Department of the Interior - Bureau of Land Management

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#### A. BLM Office: Owyhee Field Office and Jordan/Malheur Field Office

**NEPA Log Number:** DOI-BLM-ID-B030-2015-0016-DNA

**Lease/Serial Case File No.:**

**Proposed Action Title/Type:** Soda Fire Emergency Stabilization and Burned Area Rehabilitation Plan

**Location/Legal of Proposed Action:** see attached map.

#### Background and Description of the Proposed Action and any applicable mitigation measures:

On August 10, 2015, the Soda Fire started 8 miles northeast of Jordan Valley, Oregon. The fire burned a total of 279,144 acres in Owyhee (Idaho) and Malheur (Oregon) counties. The Soda Fire was declared 100% contained on August 23, 2015. An Emergency Response Team was assembled on August 18, which included local resource specialists, to assess values affected by the fire. The team consisted of individuals representing Hydrology, Soils, Geology, Cultural Resources, Wildlife, Vegetation, Fisheries, Recreation, Rangeland Management, Engineering, Hazardous Materials, Noxious Weeds, Fuels, and Geographic Information Systems. Field reconnaissance occurred between August 19 and August 23, 2015. Data from the field missions were compiled, and added to existing, pre-burn information to create a list of values threatened by the fire or potential post-fire effects.

**Table 1 - Soda Fire Acreages**

<b>Jurisdiction</b>	<b>Idaho</b>	<b>Oregon</b>	<b>Total</b>
<i>BLM</i>	179,639	46,314	225,953
<i>State</i>	12,097	784	12,881
<i>Private</i>	36,184	3,954	40,138
<i>Other</i>	157	14	171
<b><i>Total</i></b>	<b>228,077</b>	<b>51,066</b>	<b>279,144</b>

Actions proposed to stabilize the burned area are those that would facilitate the prevention of invasive annual grass establishment, re-establishment of native and nonnative vegetation, protection of cultural resources, and reconstruction and repair of structures such as livestock fencing and other range improvement projects. These actions would especially be focused on the rehabilitation of Greater sage-grouse habitat that was lost in Idaho and Oregon.

**B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans**

**Table 2: Land Use Planning Documents**

<b>LUP/Document<sup>1</sup></b>	<b>Sections/Pages</b>	<b>Date Approved</b>
Owyhee Resource Management Plan	FIRE2, HAZM1, SOIL2	December 30, 1999
Southeastern Oregon Resource Management Plan	Multiple Resource objectives including Rangeland Vegetation, Special Status Animal Species, and Cultural resources	September 2002
Idaho and Southwestern Montana Greater Sage-Grouse Approved Resource Management Plan Amendment	Multiple Resource objectives including Vegetation, Special Status Species, and Fire and Fuels Management	September 23, 2015
Oregon Greater Sage-Grouse Approved Resource Management Plan Amendment	Multiple Resource objectives including Vegetation, Special Status Species, and Fire and Fuels Management	September 23, 2015

<sup>1</sup>List applicable LUPs (e.g., Resource Management Plans, Management Framework Plans, or applicable amendments) and activity, project, management, water quality restoration, or program plans.

The proposed action is in conformance with the LUPs, and is clearly consistent with the above LUP decisions (objectives, terms, and conditions).

**C. Identify applicable NEPA documents and other related documents that cover the Proposed Action. List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).**

**Table 3: Applicable NEPA and other related documents**

<b>NEPA/Other Related Documents</b>	<b>Sections/Pages</b>	<b>Date Approved</b>
Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States Programmatic Environmental Impact Statement (PEIS) and the Vegetation Treatments on BLM Lands in 17 Western States Programmatic Environmental Report ( <a href="http://www.blm.gov/wo/st/en/prog/more/veg_eis.html">http://www.blm.gov/wo/st/en/prog/more/veg_eis.html</a> )	Record of Decision and Appendix B - Standard Operating Procedures	June 2007
Boise District Noxious and Invasive Weed Treatment EA	All	February 6, 2007
Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management	All	August 1997
Boise District and Jarbidge Field Office Normal Fire Emergency Stabilization and Rehabilitation Plan EA	All	May 12, 2005
Vegetation Treatments Using Herbicides on BLM Lands in Oregon – Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) <a href="http://www.blm.gov/or/plans/vegreatmentseis/documents.php">http://www.blm.gov/or/plans/vegreatmentseis/documents.php</a>	Record of Decision and Appendix 2 – Standard Operating Procedures and Mitigation Measures from the Proposed EIS	July 2010
Vale District Normal Fire Emergency Stabilization and Rehabilitation Plan EA 2005 DOI-BLM-OR-030-2005-05-EA	All	June 2005
Buzzard Complex Fire Emergency Stabilization and Rehabilitation Plan EA DOI-BLM-OR-V040-2014-0076-EA	Chapter II – Alternative B; All of Chapter III	October 2014

Additionally, the following Categorical Exclusions are applicable in this situation because there are no extraordinary circumstances that would introduce potential effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

516 DM 6 Appendix 11 (11.9 G (2)): Installation of routine signs, markers, culverts, ditches, waterbars, gates, or cattleguards on/or adjacent to roads and trails identified in any land use or transportation plan, or eligible for incorporation in such plan.

516 DM 6 Appendix 11 (11.9 J (4)): Use of small sites for temporary field work camps where the sites will be restored to their natural or original condition within the same work season.

516 DM 6 Appendix 11 (11.9 J (8)): Installation of minor devices to protect human life (e.g., grates across mines).

516 DM 6 Appendix 11 (11.9 J (9)): Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas.

516 DM 6 Appendix 11 (11.9 J (10)): Removal of structures and materials of no historical value, such as abandoned automobiles, fences, and buildings, including those built in trespass and reclamation of the site when little or no surface disturbance is involved.

Table 4 includes, generally, a list of proposed treatments that would be authorized as the proposed action and which NEPA documents provides analysis for such actions. The details regarding these treatments are available in the Soda Fire ESR Plan.

**Table 4: Proposed Treatments and NEPA Analysis**

<b>Treatment</b>	<b>ES&amp;BAR Categories</b>	<b>Issues Addressed</b>	<b>NEPA Analysis</b>
Aerial Seeding, Seedling Planting, Drill Seeding, Fence Construction, Soil and Water Stabilization, Closures, Facilities Repair, Juniper removal	S2, S3, S4, S6, S7, R7, S14	Vegetation, Watershed Response, Wildlife, Noxious and Invasive Weeds, Recreation, Cultural Resources, Riparian and Aquatics, Rangeland Management, Hazardous Materials, Wildlife,	Normal Fire Rehabilitation Plans, Boise and Vale Districts BLM, 2005
Tire and Hazardous Material Removal	S14	Hazardous Materials	CX 516 DM 6 Appendix 11 (11.9 J (10))
Closure of Shafts and Adits	S14	Public Safety, Minerals, Geology, and Abandoned Mine Lands (AML)	CX 516 DM 6 Appendix 11 (11.9 J (8))

Treatment	ES&BAR Categories	Issues Addressed	NEPA Analysis
Road/Trail Water Diversion	S8	Public Safety, Watershed Response, Riparian and Aquatics, Recreation	CX 516 DM 6 Appendix 11 (11.9 G (2))
Noxious Weed Treatment	S5, R5	Riparian and Aquatics, Wildlife, Vegetation, Noxious Weeds	Boise District Noxious Weed EA, 2007  Buzzard Complex ESR EA, 2014
Pre-emergent Herbicide Treatments	S5	Wildlife, Vegetation	Buzzard Complex ESR EA, 2014

#### **D. NEPA Adequacy Criteria**

- 1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

**Yes**, a range of proposed actions were analyzed under the Normal Fire Emergency Stabilization and Rehabilitation Plan Environmental Assessment (NFESRP EA) for the Boise and Vale Districts BLM. These included; herbicide use for noxious weed treatments and livestock management actions. An interdisciplinary team review of this fire has determined that the resource values, concerns and rehabilitation needs are substantially similar to those discussed and approved in the Boise District NFESRP EA, May 2005 and Vale District NFESRP EA, June 2005 and best meet the vegetative, watershed, and soil objectives of the Plan.

The Buzzard Complex ESR Plan and EA (DOI-BLM-OR-V040-2014-0076-EA) and Paradigm Fuel Breaks Project (DOI-BLM-ID-B010-2011-0060-EA) included analysis of resources within 100 miles of the Soda Fire. The geographic and resource conditions of these areas are substantially similar to those assessed and proposed for treatment herein. All areas are primarily, or were previously, shrub steppe communities with a high likelihood of invasive annual expansion post fire.

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, resource values, and circumstances?**

Yes, the range of alternatives analyzed in the NFESRP EAs is appropriate for this action. Two alternatives to the proposed action were analyzed in the NFESRP EAs. They included an alternative action that would not implement ESR treatments, but was eliminated from detailed analysis because it was not consistent with BLM policy, and the No Action Alternative, which would continue to use existing 1987/1988 NFESRPs. The overall objective of the Proposed Action of the NFESRP EA is to stabilize and return a burned site to its previous native and/or seeded condition in the shortest timeframe to enhance and protect the watershed, soil, wildlife habitat, and livestock forage values of the area. The proposed actions of the Soda ES&R plan are designed to accomplish that objective for the area burned by the Soda Fire (JO8B).

The Buzzard Complex ESR Plan and EA, Alternative B, proposed and provided analysis for many of the same treatments as the Boise District NFESRP EA. However, additional actions in that EA such as aerial application of imazapic to reduce fine fuels and invasive annual grasses were also analyzed. This EA analyzed a variety of treatments and alternatives, including a no action alternative

The Paradigm Fuel Breaks Project proposed and analyzed a network of fuel breaks along roads and other linear features that would serve to manage fuel and fire behavior sufficient to protect areas of intact wildlife habitat and areas under rehabilitation. This EA analyzed linear fuel breaks up to 300 feet wide. All action alternatives considered the same tools, but at varying acreage across the project area. Treatment or tool options included the use of non-native shrub species (forage kochia) and native short stature grasses, brown strips, mechanical and hand thinning of intact sagebrush, and mowing.

**3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (e.g., riparian proper functioning condition reports; rangeland health standards assessments; inventory and monitoring data; most recent USFWS lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances would not substantially change the analysis of the new proposed action?**

Yes, the proposed treatments will promote soil stabilization and protect habitat for the Greater sage-grouse, and other sage-steppe obligate species. The proposed treatments are covered under the Biological Assessment for the Boise District NFESRP EA (specifically concerning Golden Eagle) and the subsequent Biological Opinion is in concurrence with the Assessment.

The resource conditions analyzed in the above-referenced document adequately reflect the resource conditions of the area burned by the Soda Fire. There have not been any species that

inhabit the area that have been listed by the USFWS or BLM. Any new information that has been collected by the assessment team is not expected to substantially change the analysis for this action.

In Oregon, since the 2005 Vale NFESRP was issued, Vale District finalized a Settlement Agreement between the BLM and the Oregon Natural Desert Association (ONDA) in response to a decision of the Ninth Circuit Court of Appeals, *ONDA v. BLM*, 625 F.3d 1092 (9th Cir. 2010), which upheld ONDA's challenge to the SEORMP. In part, the Settlement Agreement identified a need to update the BLM's inventory of wilderness characteristics resources within the SEO planning area, but outside of existing Wilderness Study Areas (WSAs). This inventory has been completed. The Settlement Agreement also required the BLM to analyze the effects of any proposed projects on the identified wilderness characteristics through "NEPA processes". The proposed actions in and near the two identified inventory units (Antelope Creek [OR-034-018] and Spanish Charlie Basin [OR-034-092]) impacted by the Soda Fire and found to possess wilderness characteristics, have been analyzed with respect to commitments in the settlement agreement and, with the identified design features for those actions considered have been determined to meet the intent of the settlement agreement and to not impact wilderness character in those inventory units. These inventoried units do not cross into Idaho.

**4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

Yes, the analyses of the direct and indirect impacts of the proposed action remain unchanged from those outlined in the existing NEPA documents. The impacts outlined in the documents directly correlate to those impacts expected from the current proposed actions of straw waddle placement, fence repair, area closures to livestock grazing, and noxious weed treatment. The direct and indirect impact analysis does not analyze the impacts of the fire and the resulting loss of habitat, which is outside the scope of the document. All specific design features outlined in the above-referenced NEPA documents will be followed during implementation of the emergency stabilization and rehabilitation treatments.

The cumulative impacts analyzed in the existing NEPA documents are adequate with the addition of the proposed action. Special status and non-status plants and animals would be protected by the general and species-specific design features and would benefit from a return to more natural fire cycles and improved ecosystem function including better habitat/population connectivity, migratory corridors, habitat structure, forage and site suitability.

**5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current Proposed Action?**

**Yes**, the public involvement and interagency review of the existing NEPA documents is adequate for the current proposed action. The Boise District NFESRP EA states, on page 77, that “scoping letters informing the public of the purpose and need for action were sent to 1,077 interested publics including organizations, and federal and state agencies in October, 2003.” The general publics and other agencies included interest from Tribal governments, ranchers, academia, conservation groups, Idaho Department of Fish and Game, and ESA consultation with the USFWS. A similar process was undertaken in the development of the Vale District NFESRP EA.

Additionally, the scoping and public involvement efforts associated with the Buzzard Complex ESR plan and the Paradigm project are documented in those respective EAs. The public has been increasingly involved in the assessment process for this proposed ESR plan as the burned area includes several parcels of private and State of Idaho lands. This level of cooperation has resulted in several proposed treatments and efforts to improve the ESR efforts undertaken herein.

**E. Persons/Agencies /BLM Staff Consulted**

<b>Name</b>	<b>Title</b>	<b>Resource/Agency Represented</b>
Seth Flanigan	NEPA Specialist	BLM Boise District
Michele McDaniel	Soda Fire ESR Project Lead	BLM Boise District
Cindy Fritz	ESR Team Lead	BLM Boise District
Beth Corbin	Botany/Ecology	BLM Boise District
Brad Jost	Wildlife	BLM Boise District
Pete Torma	Range	BLM Boise District
Mike Spicer	Range	BLM Boise District
Janelle Alleman	Fisheries	BLM Boise District
Carrie Wontorcik	Hazardous Materials	BLM Boise District
Kelli Barnes	Cultural Resources	BLM Boise District
Lonnie Huter	Noxious and Invasive Weeds	BLM Boise District
Alex Webb	GIS	BLM Boise District
<b>Oregon Team Members</b>		
Brent Grasty	Planning	BLM Vale District
Don Rotell	Oregon Project Lead	BLM Vale District
Susan Fritts	Botany/ACECs/SSP	BLM Vale District
Lynne Silva	Noxious and Invasive Weeds	BLM Vale District



<b>Name</b>	<b>Title</b>	<b>Resource/Agency Represented</b>
Bill Reimers	Range/Vegetation	BLM Vale District
Marcella Tiffany	Range/Vegetation	BLM Vale District
Cheryl Bradford	Cultural Resources	BLM Vale District
Jason Simmons	Fuels	BLM Vale District
Todd Allai	Soil/Water/Air	BLM Vale District
Marissa Russell	GIS	BLM Vale District
Meagan McGuire	Wildlife Biologist	BLM Vale District

Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

**F. Mitigation Measures:** List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures have been incorporated and implemented.

Necessary mitigation measures are included as part of the proposed actions included in the Emergency Stabilization and Rehabilitation Plan. This includes: 1) the following Required Design Features (RDF) from Appendix C of the IDswMT GRSG Approved Resource Management Plan Amendment: 3, 4, 40, 42, 43, 44-46, 48-50, 88, 107, 108; and 2) the following RDFs from the Oregon Greater Sage-Grouse Approved RMP Amendment: Common to All 3, 10-13, 18-19; Vegetation and Fuels Management 1, 4; Operations 3, 4, 9; and Best Management Practices Fire and Restoration 1-4, 7-9.

## G. Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

*Michele McDaniel*

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Project Lead

*October 16, 2015*

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Date

*Seth Flanigan*

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NEPA Specialist Idaho

*October 16, 2015*

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Date

*Brent Grasty*

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NEPA Specialist Oregon

*October 16, 2015*

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Date

*Jenifer Arnold*

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Boise Acting District Manager

*October 16, 2015*

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Date

*Shane DeForest, Acting for*

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Vale District Manager

*October 16, 2015*

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Date

**Note:** The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

